



FAQ Number: 1398

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Question: Are Chemicals of Interest (COI) in hazardous waste to be counted towards a Standard Threshold Quantity (STQ)?

Answer:

In calculating whether it possesses the STQ of a COI, the facility need not include COI in solid waste (including hazardous waste) regulated under the Resource Conservation and Recovery Act (RCRA), except for waste described in 40 CFR 261.33. Such wastes are referred to as P- and U-code listed wastes. Generally, P- and U-code wastes consist of commercial chemical products that are deemed to be hazardous waste when they are discarded or intended to be discarded. P- or U-code waste comprised of a chemical listed on Appendix A must be counted toward a facility's STQ if any of the following apply:

- The listed waste is a discarded commercial chemical product or a manufactured chemical intermediate.
- The listed waste consists of the commercially pure grade of the chemical, or any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.
- The listed waste was discarded unused.

A facility is not required to count toward the STQ any quantities in:

- Treatment residues derived from the treatment of the P- or U-listed waste; or
- Contaminated media containing the P- or U-listed waste

The facility that generates the waste (e.g., a facility discarding the product or its intermediate) is responsible for accurately identifying and labeling the wastes.

For additional guidance on whether a waste falls within the parameters of 40 CFR 261.33, please refer to the following publication issued by the U.S. Environmental Protection Agency: <http://www.epa.gov/osw/hazard/wastetypes/pdfs/listing-ref.pdf>.